

### **REMARKS**

The Office Action in the above-identified application has been carefully considered and this amendment has been presented to place this application in condition for allowance.

Accordingly, reexamination and reconsideration of this application are respectfully requested.

Claims 1-3, 5-9, 11-16, 18-19, and 21-23 are in the present application. It is submitted that the claims, as originally presented, were patentably distinct over the prior art cited by the Examiner and are in full compliance with the requirements of 35 U.S.C. § 112. Changes to the claims, as presented herein, are not made for the purpose of patentability within the meaning of 35 U.S.C. sections 101, 102, 103 or 112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicant is entitled. Claims 4, 10, 17, and 20 are canceled.

Claims 1-23 were rejected under 35 U.S.C. § 102(e) as being anticipated by Takahashi et al. (U.S. Patent 6,393,152). However, the present invention includes “average pixel value detecting means for detecting an average pixel value of the specific hierarchy image data item as reference data.” (Claim 1; Claims 9, 15, and 19 contain similar limitations) As shown in Figure 13, the average pixel value calculation circuit 27 calculates the average pixel value for the high frequency component portion of the I picture; which is then subtracted as the reference data. Hence, this average pixel value is a single value for each frame and does not depend on prediction, motion compensation, or the lower frequency components of the I picture. By contrast, Takahashi discloses subtracting converted regenerated data CRg2 from the high frequency component portion of the I picture. (Figure 1, resolution conversion circuit 3)

Importantly, the regenerated data is “generated in the second compressive coding unit 2” (i.e. it is based on the lower frequency components of the I picture) and “its resolution becomes equal to that of the high-resolution signal Sg” (i.e. each pixel in the frame has a corresponding value). (Paragraph 128) Thus, Takahashi’s CRg2 data is essentially image based data not a single reference data value as required in the present invention. Accordingly, for at least these reasons, Takahashi fails to anticipate the present invention and the rejected claims should now be allowed.

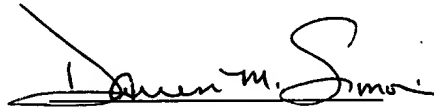
In view of the foregoing amendment and remarks, it is respectfully submitted that the application as now presented is in condition for allowance. Early and favorable reconsideration of the application are respectfully requested.

An extension-of-time fee is deemed to be required for the filing of this amendment. No additional fees are anticipated, but if such are required, the Examiner is hereby authorized to charge any insufficient fees or credit any overpayment associated with the above-identified application to Deposit Account No. 50-0320.

If any issues remain, or if the Examiner has any further suggestions, he/she is invited to call the undersigned at the telephone number provided below. The Examiner's consideration of this matter is gratefully acknowledged.

Respectfully submitted,  
FROMMER LAWRENCE & HAUG LLP

By:

A handwritten signature in black ink, appearing to read "Darren M. Simon", written over a horizontal line.

Darren M. Simon  
Reg. No. 47,946  
(212) 588-0800